

NEW JERSEY ADMINISTRATIVE CODE  
TITLE 5, CHAPTER 21

## **RESIDENTIAL SITE IMPROVEMENT STANDARDS**

### Subchapter 1 GENERAL PROVISIONS

#### 5:21-1.1 Title; Division into Subchapters

- (a) These rules shall be known as the "New Jersey Residential Site Improvement Standards" and are referred to herein as "the rules."
- (b) This chapter consists of the following subchapters:
  - 1. "General Provisions," which may be cited throughout the rules as N.J.A.C. 5:21-1 and when referred to in Subchapter 1 of this chapter, may be cited as "this subchapter."
  - 2. "Application and Review Procedures," which may be cited throughout the rules as N.J.A.C. 5:21-2 and when referred to in Subchapter 2 of this chapter, may be referred to as "this subchapter."
  - 3. "Exceptions, Waivers, and Special Area Standards," which may be cited throughout these rules as N.J.A.C. 5:21-3 and when referred to in Subchapter 3 of this chapter, may be referred to as "this subchapter."
  - 4. "Streets and Parking," which may be cited throughout these rules as N.J.A.C. 5:21-4 and when referred to in Subchapter 4 of this chapter, may be referred to as "this subchapter."
  - 5. "Water Supply," which may be cited throughout these rules as N.J.A.C. 5:21-5 and when referred to in Subchapter 5 of this chapter, may be referred to as "this subchapter."
  - 6. "Sanitary Sewers," which may be cited throughout these rules as N.J.A.C. 5:21-6 and when referred to in Subchapter 6 of this chapter, may be referred to as "this subchapter."
  - 7. "Stormwater Management," which may be cited throughout these rules as N.J.A.C. 5:21-7 and when referred to in Subchapter 7 of this chapter, may be referred to as "this subchapter."
  - 8. "Referenced Standards," which may be cited throughout these rules as N.J.A.C. 5:21-8 and referred to in Subchapter 8 of this chapter, may be referred to as "this subchapter."

#### 5:21-1.2 Authority

These rules are promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority of P.L.1993, c. 32 (N.J.S.A. 40:55D-40.1 et seq.).

### 5:21-1.3 Intent and Purpose

(a) It is the intent and purpose of these rules:

1. To reduce the multiplicity of standards for residential subdivisions and site improvements which currently exists in this State in order to eliminate unnecessary increases in the cost of housing where there are noncommensurate gains in the protection of public health and safety;
2. To avoid unnecessary cost in the construction process, and to provide site improvement standards that are both sound and cost effective;
3. To ensure predictability in the site improvement standards applicable to residential construction;
4. To provide for development reviews of residential projects that are based, to the greatest extent possible, upon sound objective site improvement standards rather than upon discretionary design standards;
5. To streamline the development approval process and improve the efficiency of the application process by providing a uniform set of technical site improvement standards for land development;
6. To provide the widest possible range of design freedom and promote diversity through performance-oriented site improvement standards; and
7. To separate the policy-making aspects of development review from the making of technical determinations.

### 5:21-1.4 Definitions and Abbreviations

The following words, terms, and abbreviations, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Where a word or term is defined in this chapter and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), then the definition of that word or term found in the Municipal Land Use Law shall govern. Words and terms found in the Municipal Land Use Law, and defined here for convenience, have been designated by the use of "(MLUL)" following their meaning.

AASHTO: means American Association of State Highway and Transportation Officials.

ABS: means Acrylonitrile-butadiene-styrene.

ACI: means American Concrete Institute.

ADMINISTRATIVE OFFICER: means the clerk of the municipality, unless a different municipal official or officials are designated by ordinance or statute. (MLUL).

ADT: (See Average Daily Traffic.)

AISE: means the traveled way by which cars enter and depart parking spaces.

ALLEY: means a service road that provides a secondary means of access to lots.

ANSI: means American National Standards Institute.

APPLICANT: means a developer submitting an application for development. (MLUL).

APPLICATION FOR DEVELOPMENT: means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to the Municipal Land Use Law. (MLUL).

APPROVING AUTHORITY: means the planning board of the municipality, unless a different agency is designated by ordinance when acting pursuant to the Municipal Land Use Law. (MLUL).

ARTERIAL STREET: means a higher-order, interregional road in the street hierarchy; conveys traffic between centers; should be excluded from residential areas. (See Street Hierarchy.)

ASCE: means American Society of Civil Engineers.

ASTM: means American Society for Testing and Materials.

AVERAGE DAILY TRAFFIC: means the number of vehicles per day that pass over a given point.

AWWA: means American Water Works Association.

BERM: means a mound of soil, either natural or constructed, used for one or more of the following purposes: screen, buffer, separator, landscape feature, noise attenuator, dam, or stormwater control.

BICYCLE-COMPATIBLE ROADWAY: means a road designed to accommodate the shared use of the roadway by bicycles and motor vehicles.

BICYCLE LANE (BIKE LANE): means a portion of a roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE PATH (BIKE PATH): means a bikeway physically separated from motorized vehicular traffic by an open space or barrier, and either within the highway right-of-way or within an independent right-of-way or easement.

BIKEWAY: means any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

BLOWOFF: means a valve or device to allow the escape of air, fluid, or sediments from a pipe within which fluid is flowing under pressure greater than atmospheric pressure.

BOARD OF ADJUSTMENT: means the zoning board of adjustment established pursuant to N.J.S.A. 40:55D-69. (MLUL)

CAFRA: means Coastal Area Facility Review Act.

CAPPED SYSTEM: means a completed water supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

CARBONATE ROCK: means a rock consisting chiefly of calcium and magnesium carbonates.

CARTWAY: means the actual road surface area from curbline to curbline which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved, or hard surface, width.

CBR: means California Bearing Ratio, which is a method for measuring the strength and condition of road subgrades.

CENTERLINE OFFSET OF ADJACENT INTERSECTIONS: means the gap between the centerline of roads intersecting a common road, as measured along the centerline of the intersected road.

CHANNEL: means any natural or man-made waterway or course through which a constant or intermittent flow of water is conveyed.

CHANNELIZATION: means the straightening and deepening of channels, and/or the surfacing thereof, to permit water to move more rapidly or to redirect the flow of surface water.

COMMON LATERAL: means a lateral serving more than one (1) dwelling unit.

COMMON OPEN SPACE: means an open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development. (MLUL).

CORPORATION STOP: also known as "corporation cock," means a valve which is placed in a building's water or gas service pipe near its junction with the public water or gas main.

CUL-DE-SAC: means a street with a single means of ingress and egress and having a turnaround, the design of which may vary. (See Street Hierarchy.)

CULVERT: means a closed or open conduit designed for the purpose of conveying an open channel watercourse under a road, highway, pedestrian walk, railroad embankment, or other type of overhead structure.

CURB: means a stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

DAMS AND EMBANKMENTS: means artificial dikes, levees, or other barriers, with appurtenances, for the purpose of impounding or retaining water.

DAYS: means calendar days. (MLUL).

DEDICATION: means an appropriation of land to some public use made by the owner and accepted for such use by, or on behalf of, the public.

DENSITY: means the permitted number of dwelling units per gross area of land to be developed. (MLUL).

DESIGN ENGINEER: means a person professionally qualified and duly licensed to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design, and preparation of drawings and specifications.

DESIGN STANDARDS: means standards that set forth specific improvement requirements.

DETENTION BASIN: means a stormwater management basin or alternative structure designed to temporarily detain stormwater runoff.

DEVELOPER: means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. (MLUL).

DEVELOPMENT: means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill; and any use or change in the use of any building or other structure, or land, or extension of use of land, for which permission may be required per the Municipal Land Use Law. (MLUL).

DEVELOPMENT, CONVENTIONAL: means development other than planned development. (MLUL).

DEVELOPMENT PLAN, GENERAL: means a comprehensive plan for the development of a planned development, as provided in the Municipal Land Use Law. (MLUL).

DEVELOPMENT, PLANNED: means unit development, planned unit residential development, residential cluster, planned commercial development, or planned industrial development. (MLUL).

DEVELOPMENT, PLANNED UNIT: means an area with a specified minimum contiguous acreage of 10 acres or more to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the zoning ordinance. (MLUL).

DEVELOPMENT, PLANNED UNIT RESIDENTIAL: means an area with a specified minimum contiguous acreage of five acres or more to be developed as a single entity according to a plan, containing one or more residential clusters, which may include appropriate commercial or public or quasi-public uses, all primarily for the benefit of the residential development. (MLUL).

DEVELOPMENT REGULATION: means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance, or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to the Municipal Land Use Law. (MLUL).

DIVIDED STREET: means a street having an island or other barrier separating opposing moving lanes.

DOLOMITE: means a carbonate rock that contains more than 15 percent magnesium carbonate.

DRAINAGE: means the removal of surface water or ground water from land by drains, grading, or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding. (MLUL).

DRAINAGE FACILITY: means any component of the drainage system.

DRAINAGE SYSTEM: means natural and man-made components that contain, convey, absorb, store, treat, or dispose of surface water runoff or ground water.

DRIVEWAY: means a defined paved or unpaved surface providing vehicular access to a street. A driveway is not a road, street, boulevard, highway, or parkway.

DROP MANHOLE: means an inspection chamber used at changes in horizontal and/or vertical directions for underground utility conduits where the incoming conduit is two feet or more above the elevation of the discharge conduit.

DROP PIPE: means a vertical pipe used to convey sewage from a higher to a lower elevation.

DRY LINES: (See Capped System.)

EASEMENT: means a right to use the land of another for a specific purpose.

EDGE DEFINITION: means, as it pertains to streets, a way of identifying the traveled way from the nontraveled way, such as by the use of railings, bollards, wheel stops, or edge plantings.

EMERGENCY SPILLWAY: means a supplemental spillway whose function is to pass the design storm flows in the event the principal spillway fails to operate as designed or is blocked.

EROSION: means the detachment and movement of soil or rock fragments by water, wind, ice, and gravity. (MLUL).

FENCE: means an artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials.

FINAL APPROVAL: means the official action of the planning board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees. (MLUL).

FLUSHING: means the cleaning out of debris and sediment from pipes by force of moving liquid, usually water.

GOVERNING BODY: means the chief legislative body of the municipality. In municipalities having a board of public works, "governing body" means such a board. (MLUL).

GRADE: means the inclination of a sloping surface, usually expressed in percentage terms.

GRADED AREA: means, as it pertains to streets, land adjacent and parallel to the cartway within the right-of-way, which must be flattened or leveled to the same width and cross-slope as a sidewalk, if a sidewalk had been required at that location.

GRANITE BLOCK CURB: also known as Belgian block curb, means a curb constructed of rectangular-shaped stone or granite blocks, usually placed vertically in a concrete foundation.

GUTTER: means a shallow channel, usually set along a curb or the pavement edge of a road, for purposes of catching and carrying off runoff water.

HISTORIC DISTRICT: means one or more historic sites and intervening or surrounding property significantly affecting, or affected by, the quality and character of the historic site or sites. (MLUL).

HISTORIC SITE: means any real property, man-made structure, natural object, or configuration, or any portion or group of the foregoing of historical, archaeological, cultural, scenic, or architectural significance. (MLUL).

IMPERVIOUS SURFACE: means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

IMPOUNDMENT: means a body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

IMPROVED PUBLIC STREET: means, for subdivision purposes or site plan, any street which complies in width and construction with municipal standards.

IMPROVEMENT: means any constructed element which becomes part of, is placed upon, or is affixed to real estate.

INTENSITY OF DEVELOPMENT: means the classification of development based on the number of dwelling units per gross acre of land served by a particular street, excluding the acreage of dedicated common open space or other areas restricted from future development.

ISLAND: means, in street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signing, or lighting.

ISO: means Insurance Services Office, Inc.

ITE: means Institute of Transportation Engineers.

LAND: means real property including improvements and fixtures on, above, or below the surface.

LATERALS, (plumbing/sewer): means pipes conducting sewage from individual buildings to larger pipes called trunk, or interceptor, sewers that usually are located in street rights-of-way.

LIMESTONE: means a carbonate sedimentary rock consisting chiefly of calcium carbonate. Limestone is commonly used as a general term for the class of rocks that consist of at least 80 percent calcium or magnesium carbonate.

LOT: means a designated parcel, tract, or area of land established by a plat, or otherwise as permitted by law, and to be used, developed, or built upon as a unit. (MLUL).

MAIN: means, in any system of continuous piping, the principal artery of the system to which branches may be connected.

MAINTENANCE GUARANTEE: means any security which may be accepted by a municipality for the maintenance of any improvements required by the Municipal Land Use Law, including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.3, and cash. (MLUL).

MAJOR COLLECTOR: means the highest order of residential street (see Street Hierarchy). Conducts and distributes traffic between lower-order residential streets and higher-order streets (arterials and expressways).

MAJOR DEVELOPMENT: means any development that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this chapter is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

MANHOLE: means an inspection chamber located at changes in horizontal and vertical directions for underground utility conduits whose dimensions allow entry, exit, and working room.

MARBLE: means a metamorphic rock consisting chiefly of crystallized limestone or dolomite.

MARGINAL ACCESS STREET: means a service street that runs parallel to a higher-order street which provides access to abutting properties and separation from through traffic. It may be designed as a residential access street or minor collector as anticipated daily traffic dictates.

MASTER PLAN: means a composite of one or more written or graphic proposals for the development of the municipality, as set forth and adopted by the planning board pursuant to N.J.S.A. 40:55D-28. (MLUL).

MEDIAN: means that portion of a divided highway separating the traveled ways of traffic proceeding in opposite directions.

MINOR COLLECTOR: means middle order of residential street (see Street Hierarchy). Provides frontage for access to lots, and carries traffic to and from adjoining residential access streets.

MIXED USE: means two or more different uses, one of which is residential.

MLUL: means Municipal Land Use Law, N.J.S.A 40:55D-1 et seq.

MOVING LANE: means any traffic lane where traffic movement is the primary, if not sole, function.

MULCH: means a layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and aid plant growth.

MULTIFAMILY DEVELOPMENT: means a development other than one- or two-family detached dwellings where the dwellings are arranged so that there are more than two units attached, regardless of the presence of lot lines.

MUNICIPALITY: means any city, borough, town, township, or village. (MLUL).

NFPA: means National Fire Protection Association.

NONSTRUCTURAL MANAGEMENT PRACTICES: means those controls of stormwater runoff and nonpoint source pollution that are not structural in nature, such as landscaping techniques, source controls, zoning, setbacks, buffers, or clustering.

NRCS: means Natural Resources Conservation Service, a division of the U.S. Department of Agriculture (formerly known as the Soil Conservation Service).

OFFSITE: means located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way. (MLUL).

OFF-STREET PARKING SPACE: means a storage area for a motor vehicle that is directly accessible to an access aisle and that is not located within a dedicated street right-of-way.

OFFTRACT: means not located on the property which is the subject of a development application, nor on a contiguous portion of a street or right-of-way. (MLUL).



ONSITE: means located on the lot in question. (MLUL).

ON-STREET PARKING SPACE: means a storage area for a motor vehicle that is located within a dedicated street right-of-way.

OPEN SPACE: means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets, and off-street parking and other improvements that are designed to be incidental to the natural openness of the land. (MLUL).

PARKING LANE: means a lane usually set on the sides of streets, designed to provide on-street parking.

PARKING LOT: means a ground-level, generally open area that provides storage for motor vehicles that may provide access to dwelling units and which has aisles that carry traffic with destination or origin in the lot itself.

PARKING SPACE: means a storage area provided for the parking of a motor vehicle.

PAVEMENT: means a surface created to facilitate passage of people and/or vehicles, usually constructed of brick, stone, concrete, or asphalt.

PEDESTRIAN GENERATOR: means a development which will realize high facility usage by persons arriving on foot.

PERFORMANCE GUARANTEE: means any security which may be accepted by a municipality including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5, and cash. (MLUL).

PERVIOUS SURFACE: means any surface that permits a significant portion of surface water to be absorbed.

PLANNING BOARD: means the municipal planning board established pursuant to the Municipal Land Use Law. (MLUL).

PLAT: means a map or maps of a subdivision or site plan. (MLUL).

PRELIMINARY APPROVAL: means the conferral of certain rights pursuant to N.J.S.A. 40:55D-46, 48, and 49 prior to final approval after specific elements of a development plan have been agreed upon by the planning board and the applicant. (MLUL).

PRINCIPAL BASIN: means a detention or retention basin whose function is controlling or managing the runoff from a particular area or property that is to be developed.

PUBLIC OPEN SPACE: means an open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, State or county agency, or other public body for recreational or conservation uses. (MLUL).

PVC: means polyvinyl chloride.

**RESIDENTIAL ACCESS STREET:** means the lowest order, other than rural street type, of residential street (see Street Hierarchy). Provides frontage for access to private lots and carries traffic having destination or origin on the street itself. Designed to carry traffic at slowest speed.

**RESIDENTIAL CLUSTER:** means an area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance. (MLUL).

**RESIDENTIAL DENSITY:** means the number of dwelling units per gross acre of residential land area including streets, easements, and open space portions of a development. (MLUL).

**RESIDENTIAL NEIGHBORHOOD STREET:** means a type of residential access street conforming to traditional subdivision street design, which provides access to building lots fronting on a street and provides parking on both sides of street. (See Street Hierarchy.)

**RESUBDIVISION:** means (1) The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument. (MLUL).

**RETENTION BASIN:** means a stormwater management basin designed to retain some water on a permanent basis.

**RIGHT-OF-WAY:** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade tree, or for another special use.

**RURAL LANE:** means a street that serves dwellings on lots that are two acres or greater, primarily serves as access to abutting building lots, has no on-street parking, and has lot-to-street access designed so that vehicles do not back out of lots onto the street. (See Street Hierarchy.)

**RURAL STREET:** means a street that serves dwellings on lots that are one acre or greater, primarily serves as access to abutting building lots, has no on-street parking, and has lot-to-street access designed so that vehicles do not back out of lots onto the street. (See Street Hierarchy.)

**SDR:** means Standard Dimensional Ratio.

**SEDIMENTATION:** means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion. (MLUL).

**SEPTIC TANK:** means a watertight receptacle which receives the discharge of sanitary sewage from a building sewer or part thereof, and is designed and constructed so as to permit settling of settleable solids from the liquid, partial digestion of the organic matter, and discharge of the liquid portion into a disposal field or seepage pit.

**SEWER:** means any pipe conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants or receiving streams.

**SHOULDER:** means the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

**SIDEWALK:** means an improved path for pedestrian use outside the cartway.

**SIGHT TRIANGLE:** means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**SITE IMPROVEMENTS:** means any construction work on, or improvement in connection with, residential development limited to streets, roads, parking facilities, sidewalks, drainage structures, and utilities.

**SITE PLAN:** means a development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes, and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures, signs, lighting, and screening devices; and (3) any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans by the planning board adopted pursuant to N.J.S.A. 40:55D-37 et seq. (MLUL).

**SITE PLAN, MAJOR:** means any site plan not classified as a minor site plan.

**SITE PLAN, MINOR:** means a development plan of one or more lots which (1) proposes new development within the scope of development specifically permitted by ordinance as a minor site plan; (2) does not involve planned development, any new street, or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42; and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met. (MLUL).

**SOIL:** means the arable layers of unmodified sediments beneath the surface material and above bedrock.

**SOIL CEMENT:** means a mixture of portland cement and soil.

**SOIL EROSION:** means the gradual alteration of soil by crustal movement or by processes of weathering, transportation, and sedimentation.

**STABILIZATION:** means, as it pertains to streets, the ability of a surface to resist deformation from imposed loads. Stabilization can be accomplished by adequate thicknesses of asphalt base and surface course, dense graded aggregates, cement-treated soil aggregates, or concrete or precast masonry units set on a base course.

**STABILIZED BASE COURSE (BITUMINOUS):** means stabilized base course or asphalt concrete base consisting of soil aggregate and bituminous material uniformly mixed and placed on a previously prepared surface.

**STABILIZED EARTH:** means earth or soil, strengthened usually by the mixing of cement or lime with the original material to achieve increased strength, thereby reducing shrinkage and movement.

**STORMWATER DETENTION:** means a provision for temporary storage of stormwater runoff, and the controlled release of such runoff during and after a flood or storm.

**STORMWATER RETENTION:** means a provision for the permanent storage of a fixed volume of water.

**STREET:** means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, or which is shown upon a plat

heretofore approved pursuant to law, or which is approved by official action as provided by the MLUL, or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines. (MLUL).

STREET HIERARCHY: means the conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads to streets, whose function is residential access.

STREET, LOOP: means a street that has its only ingress and egress at two points on the same street.

SUBDIVISION: means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of these rules, if no new streets are created: divisions of land found by the planning board or subdivision committee thereof appointed by the chairman to be for agricultural purposes, where all resulting parcels are five acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; and the conveyance of one or more adjoining lots, tracts, or parcels of land owned by the same person or persons, all of which are found and certified by the administrative officer to conform to the requirements of the municipal development rules, and are shown and designated as separate lots, tracts, or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision." (MLUL).

SUBDIVISION, MAJOR: means any subdivision not classified as a minor subdivision. (MLUL).

SUBDIVISION, MINOR: means a subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision, provided that such subdivision does not involve a planned development, any new street, or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42. (MLUL).

SUBGRADE: means the prepared surface upon which pavements and shoulders are constructed.

SURFACE COURSE: means the placement of the asphalt concrete material on a previously prepared base course.

SWALE: means a low-lying or depressed land area commonly wet or moist, which can function as an intermittent drainage way.

TR: means Technical Release, as issued by the NRCS.

TRAVELED WAY: means the portion of a cartway used for vehicular travel.

TRIP: means a single or one-way vehicle movement to or from a property or study area.

ULI: means Urban Land Institute.

USCGS (also USC&G and USC&GS): means United States Coast and Geodetic Survey.

UTILITY AREA: means a flexible space within the right-of-way designated for the installation of utility lines and facilities.

**UTILITY AUTHORITY:** means any “sewerage authority” as defined in N.J.S.A. 40:14A-3, or any “municipal authority” as defined in N.J.S.A. 40:14B-3.

**VARIANCE:** means permission to depart from the literal requirements of a zoning ordinance, pursuant to N.J.S.A. 40:55D-40b, 70c, and 70d. (MLUL).

**WET POND:** (See Retention Basin.)

#### 5:21-1.5 Scope and Applicability

- (a) These rules shall govern any site improvements carried out or intended to be carried out or required to be carried out in connection with any application for residential subdivision, site plan approval, or variance before any Planning Board or Zoning Board of Adjustment created pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.); or in connection with any other residential development approval required or issued by any municipality or agency or instrumentality thereof.
- (b) Except as is otherwise specifically provided, these rules shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, maintenance, and use of any site improvements constructed by a developer in connection with residential development. Except as otherwise required by rules or other permit requirements of the Department of Environmental Protection regarding stormwater management, the rules are to be interpreted as the minimum required to ensure public health and safety, and the maximum that may be required in connection with residential development.
- (c) These rules shall apply to all site improvement work and appurtenant construction including streets, roads, parking facilities, sidewalks, drainage structures, grading, and utilities which are undertaken by a developer in connection with residential development or use.
  - 1. Where both residential and commercial development are planned in a mixed-use development, these rules shall apply to the residential part or parts of such development where such residential part or parts are discrete and separate from planned commercial parts as evidenced by, for example, separate building(s), separate parking, and separate access features.
  - 2. These rules shall apply to all utilities created by, or deriving their authority from, municipal ordinance to operate within a given jurisdiction.
  - 3. Choice among options contained in these rules shall be the applicant's, unless otherwise specified in these rules.
- (d) Nothing contained in these rules shall be construed to limit the powers of any municipality to establish and enforce any requirement concerning:
  - 1. Layout, arrangement, and location of improvements, shade trees, landscaping, or reservation of areas for public use, pursuant to N.J.S.A. 40:55D-38;
  - 2. Preservation of existing natural resources; arrangement of physical elements for safe and efficient vehicular and pedestrian circulation by, for example, traffic calming measures as described in *Residential Street Design and Traffic Control*,

by W. S. Homburger et al. (Institute of Transportation Engineers, © 1989), parking, and loading; screening, landscaping, and location of structures; or conservation of energy and use of renewable resources, pursuant to N.J.S.A. 40:55D-41; or

3. Use, bulk, height, number of stories, orientation, and size of buildings and other structures; the percentage of lot or development area that may be occupied by structures, lot sizes and dimensions, floor area ratios, or other measures to control development intensity or density; or the provision of adequate light and air, pursuant to N.J.S.A. 40:55-65.
- (e) The provisions of these rules shall not preempt or in any way affect the exercise of any authority by the State or any county government with respect to site improvements conferred by any State law or any regulation promulgated thereunder. Nor shall these rules be in any way interpreted to modify or otherwise affect rules promulgated pursuant to the Pinelands Commission Act, N.J.S.A. 13:18A-1 et seq. (N.J.A.C. 7:50). It is the intent of these rules to be consistent with all other applicable laws, rules, and regulations. Where these rules and any other State or county laws, rules, or regulations establish differing requirements, then the requirements of these rules shall govern, except where any such differing requirement is more restrictive.
  - (f) These rules shall not apply to driveways on private property held in fee-simple as individual residential lots outside of the public right-of-way, including common driveways established by easements shared by more than one, but not more than four, dwelling units on private property.
  - (g) These rules are intended to ensure the public health, safety, and welfare insofar as they are affected by site improvement work, and shall be so construed.

#### 5:21-1.6 Development Over Limestone Geologic Formations

- (a) A number of areas in northern New Jersey are underlain by solution-prone carbonate rocks (limestone, dolomite, and marble) which pose unusual and complex problems in relation to development activities. As such, these areas are quite sensitive to development improvements and may require special investigative, design, and construction techniques to protect both the eventual property owner as well as those in the immediate surroundings. It is not the intention of these site improvement standards to address such unusual subsurface conditions or to attempt to supersede definitive local ordinances addressing such concerns.
- (b) Any proposed revisions to the standards established by the Site Improvement Advisory Board may be submitted for Board consideration by any municipality shown on the list set forth in the appendix to this subchapter, incorporated herein by reference, or by any municipality where these materials are found to be present. Proposed revisions to the within standards shall be reviewed by the technical committee and recommended to the Site Improvement Advisory Board for approval.

#### 5:21-1.7 Administration and Enforcement

- (a) Wherever a municipality has enacted an ordinance which requires subdivision and/or site plan approval pursuant to N.J.S.A. 40:55D-37, then the planning board of such municipality shall ensure that the plans and plats for any residential development subject to review under such ordinance comply with the requirements of these rules before

issuing a preliminary or final approval.

- (b) Whenever a Zoning Board of Adjustment, created pursuant to N.J.S.A. 40:55 D-69, grants subdivision or site plan approval pursuant to the provisions of N.J.S.A. 40:55 D-76(b), then that board shall ensure that any plans and plats comply with the requirements of these rules before issuing a preliminary or final approval.

#### 5:21-1.8 Approval

- (a) All materials, equipment, and devices required to be approved by a board or official pursuant to N.J.A.C. 5:21-1.7 of this subchapter shall be constructed and installed in accordance with such approval.
- (b) The standards referenced in these rules and listed in N.J.A.C. 5:21-8 shall be considered a part of the requirements of these rules to the prescribed extent of each reference. Where differences occur between provisions of these rules and referenced standards, the provisions of these rules shall apply, except as provided in N.J.A.C. 5:21-1.5(e).

#### 5:21-1.9 Violations

- (a) Where any site improvement is required to meet any part of these rules pursuant to the requirements of any ordinance adopted pursuant to N.J.S.A. 40:55D-37, Subdivision and Site Plan Review and Approval, or N.J.S.A. 40:55D-62, Zoning, then any failure of any person to construct such site improvements in accordance with the requirements of these rules shall constitute a violation of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). Any person responsible for such failure shall be subject to such penalties and enforcement procedures as are provided by that law and by any valid ordinance adopted pursuant thereto which may be initiated by the administrative officer designated by the ordinance (N.J.S.A. 40:55D-18).
- (b) In addition to any remedy provided by (a) above, any failure to comply with the requirements of these rules, where compliance is required, shall constitute a failure to meet the conditions of the Construction Permit and/or Certificate of Occupancy issued pursuant to the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.). Notification from the approving authority or from the municipal engineer acting on behalf of the approving authority that any of the requirements of these rules that are conditions of the Construction Permit and/or Certificate of Occupancy have not been met shall subject any person responsible for such failure to the remedies provided under the State Uniform Construction Code Act.

#### 5:21-1.10 Operative Date

- (a) These rules shall be operative on June 3, 1997. The requirements of any municipal ordinances or rules adopted by any instrumentality deriving authority therefrom in effect on that date which establish rules or requirements for any matter within the scope of these rules shall be deemed to have been repealed and of no further force or effect.
- (b) Any project for which preliminary subdivision or site plan approval has been given prior to June 3, 1997 shall continue to be subject to the municipal development ordinance under which it was approved.

- (c) Any project for which application is made after June 3, 1997 shall be governed by these rules.
- (d) These rules shall not be construed as requiring the revision or amendment of any application for site plan or subdivision approval which is pending on June 3, 1997. Such pending applications may, however, be amended provided that any such amendments shall meet the requirements of these rules.
  - 1. For any project for which a completed application has been submitted on or before the operative date of these rules, but which has not yet received preliminary approval, the applicant shall have the option of amending the application in its entirety to comply with these rules or of requesting that the municipality continue to review the application under the municipal ordinances in effect at the time of application.
- (e) For a period of six months following the operative date of a technical revision to the standards, applicants may submit a complete application to be reviewed under the standards in effect immediately prior to the technical revision. Provided that the application is deemed complete within the meaning of the Municipal Land Use Law, the planning board or zoning board of adjustment, as appropriate, shall review the application based on the technical standards in force immediately prior to the operative date of the revision to the standards. This grace period shall only apply to technical revisions to the standards.
- (f) In the case of a subdivision or project for which a complete application has been submitted but for which preliminary approval has not been issued by the operative date of any technical change to the standards, review shall continue and approval shall be granted based on the standards in force immediately prior to the operative date of the revision to the standards.

#### 5:21-1.11 Validity

If any provision of these rules or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the rules which can be given effect, and to this end the provisions of the rules are severable.



## APPENDIX TO SUBCHAPTER 1

### NEW JERSEY MUNICIPALITIES -- LIMESTONE AREAS\*

County	Municipality	
Hunterdon	Alexandria Township Bethlehem Township Bloomsbury Borough Califon Borough Clinton Township Clinton Town	Hampton Borough Holland Township Lebanon Township Tewksbury Township Union Township
Morris	Chester Township Jefferson Township Mendham Township Mendham Borough Minehill Township Montville Township Morris Township	Mount Arlington Borough Mount Olive Township Randolph Township Rockaway Township Roxbury Township Washington Township Wharton Borough
Passaic	Bloomington Borough Ringwood Township	Wanaque Borough West Milford Township
Somerset	Bedminster Township Far Hills Borough	Peapack/Gladstone Borough
Sussex	Andover Township Andover Borough Branchville Borough Byram Township Frankford Township Franklin Borough Fredon Township Green Township Hamburg Borough Hampton Township Hardyston Township	Lafayette Township Montague Township Newton Town Ogdensburg Borough Sandyston Township Sparta Township Stillwater Township Vernon Township Walpack Township Wantage Township
Warren	Allamuchy Township Alpha Borough Belvidere Township Blairstown Township Franklin Township Frelinghuysen Township Greenwich Township Hackettstown Town Hardwick Township Harmony Township Hope Township	Independence Township Knowlton Township Liberty Township Lopatcong Township Mansfield Township Oxford Township Phillipsburg Township Pohatcong Township Washington Township Washington Borough White Township
* Listing established by the Department of Environmental Protection, Division of Science and Research (April 1995).		

